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6           **IN THE UNITED STATES DISTRICT COURT**  
7           **FOR THE DISTRICT OF ARIZONA**

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9           DAisha Parks,

No. CV-19-02481-PHX-DWL

10           Plaintiff,

**ORDER**

11           v.

12           Westlake Financial,

13           Defendant.

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15           Pending before the Court is the parties' stipulation (Doc. 10), which states that the  
16           parties agree that Plaintiff's claims must "be resolved by way of arbitration" and thus asks  
17           the Court to issue an order staying "[t]he Federal proceeding . . . pending the outcome of  
18           the arbitration." (*Id.*)

19           The Court is disinclined to accept this stipulation. When faced with a valid and  
20           enforceable arbitration provision, a district court has discretion to either (1) dismiss the  
21           case without prejudice or (2) stay the case pending the completion of the arbitration. *See*,  
22           e.g., *Kam-Ko Bio-Pharm Trading Co. Ltd-Australasia v. Mayne Pharma*, 560 F.3d 935,  
23           940 (9th Cir. 2009); *Sparling v. Hoffman Const. Co.*, 864 F.2d 635, 638 (9th Cir. 1988). It  
24           is this Court's usual practice to exercise its discretion to choose the former option—  
25           dismissal without prejudice—in this circumstance. *Cf. Altela Inc. v. Ariz. Science & Tech.*  
26           *Enterprises, Inc.*, 2016 WL 4539949, \*8 (D. Ariz. 2016) ("[A]ll of Altela's claims are  
27           subject to mandatory arbitration. The Court will dismiss this case rather than staying it.").

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Accordingly, the parties are ordered to show cause why this case should not be dismissed without prejudice in light of their agreement to arbitrate. To do so, the parties may jointly file a brief, not to exceed five (5) pages, by August 26, 2019 that explains why a stay (rather than dismissal without prejudice) is necessary and appropriate here.

Accordingly, **IT IS ORDERED** that:

(1) The parties' stipulation (Doc. 10) is **accepted in part and rejected in part**;

(2) The parties may jointly file a brief, not to exceed five (5) pages, by **August 26, 2019** that explains why a stay (rather than dismissal without prejudice) is necessary and appropriate here; and

(3) If the parties do not file such a brief, the Clerk of Court shall dismiss this case without prejudice on August 27, 2019 and enter judgment accordingly.

Dated this 19th day of August, 2019

*[Signature]*  
Dominic W. Lanza  
United States District Judge